

Appl. No. 10/605,419
Amdt. dated January 28, 2005
Reply to Office action of December 29, 2004

REMARKS/ARGUMENTS

1. Election/Restriction

Restriction to one of the following inventions is required under 35
5 U.S.C.121:

I. Claims 1-9, drawn to a semiconductor device, classified in class
257, subclass 315.

10 II. Claims 10-16, drawn to an apparatus, classified in class 365,
subclass 185.33.

The inventions are distinct, each from the other because of the
following reasons:

15 Inventions I and II are related as product made and apparatus. The
inventions in this relationship are distinct if either or both of the
following can be shown: (1) that the apparatus as claimed is not an
obvious apparatus for making the product and apparatus can be used
for making a different product or (2) that the product as claimed can be
20 made by another and materially different apparatus (MPEP §806.05(g)).
In the instant case unpatentability of the group I invention would not
necessarily imply unpatentability of the group II invention, since the
device of the group I invention could be made by the apparatus
materially different from those of the group II invention.

25 Because these inventions are distinct for the reasons given above
and have acquired a separate status in the art as shown by their
different classification, restriction for examination purposes as

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indicated is proper.

Response:

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Applicants amend the claims in the above AMENDMENT portion. The device claims 1-9 corresponding to invention I are elected as the subject matter to be examined in the present application. The apparatus claims 10-16 are not elected and therefore canceled. Consideration of claims 1-9 is hereby requested.

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2. Inventorship

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Response:

Inventors of the elected invention are not changed.

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Sincerely yours,



Date: January 28, 2005

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